

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO.: JKB-16-0341
RONALD JONES,)
Defendant.)

)

Thursday, September 29, 2016
Courtroom 3D
Baltimore, Maryland

BEFORE: THE HONORABLE JAMES K. BREDAR, JUDGE

REARRAIGNMENT - SENTENCING

For the Plaintiff:

16 Patricia McLane, Esquire
Assistant United States Attorney

For the Defendant:

18 Michael Lawlor, Esquire
Nicholas Madiou, Esquire

Reported By:

Douglas J. Zweizig, RDR, CRR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201

PROCEEDING S

(4:07 p.m.)

THE COURT: Please, Ms. McLane, you may call the case.

MS. McLANE: Thank you, Your Honor. Good afternoon.

Calling United States of America versus Ronald Jones,
Criminal No. JKB-16-0341. Patricia McLane on behalf of the
United States. We are here for a rearraignment.

THE COURT: Mr. Lawlor.

MR. LAWLER: Good afternoon, Your Honor.

Michael Lawlor and Nicholas Madiou for Mr. Jones. He's present to my right, Your Honor.

MR. MADIOU: Good afternoon, Your Honor.

THE COURT: Good afternoon, sir. You're Ronald Jones?

THE DEFENDANT: Yes. Good afternoon.

THE COURT: Mr. Lawlor, Mr. Madiou, if you and your client would move up, I'd be grateful.

A one-count indictment was returned against the defendant on July 6th of this year. The defendant entered his plea of not guilty before a Magistrate Judge of the court on July 22nd. It's my understanding that today the defendant wishes to change his plea on Count 1 to guilty.

Is that your understanding, Mr. Lawlor?

MR. LAWLOR: It is.

THE COURT: Mr. Jones, is that what you want to do?

THE DEFENDANT: Yes.

1 **THE COURT:** Please swear the defendant.

2 **THE CLERK:** Good afternoon, Mr. Jones. Please raise
3 your right hand.

4 RONALD D. JONES, SWORN.

5 **THE CLERK:** Thank you.

6 You may state your full name for the Court.

7 **THE DEFENDANT:** Ronald David Jones.

8 **THE COURT:** How old are you?

9 **THE DEFENDANT:** 20.

10 **THE COURT:** When were you born?

11 **THE DEFENDANT:** Baltimore.

12 **THE COURT:** No. When?

13 **THE DEFENDANT:** [REDACTED] 96.

14 **THE COURT:** Okay. Thank you.

15 Have you received a copy of the indictment that was
16 returned against you in the case?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** Let me read it to you.

19 Count 1: The Grand Jury for the District of Maryland
20 charges that on or about January 18th, 2016, in the District of
21 Maryland, the defendant, Ronald Jones, having been convicted of
22 a crime punishable by imprisonment for a term exceeding one
23 year, did knowingly and unlawfully possess a firearm, to wit:
24 A Gerstenberger & Eberwein .22 short-gauge revolver,
25 Serial No. 31409, and ammunition in and affecting interstate

1 commerce.

2 How did you plead to that charge, guilty or not
3 guilty?

4 **THE DEFENDANT:** Guilty.

5 **THE COURT:** Bear with me one second, counsel.

6 So counsel may approach.

7 We're off the record.

8 (Bench conference off the record.)

9 (The defendant conferred with counsel.)

10 **THE COURT:** Back on the record.

11 Mr. Jones, did you hear me read that charge to you?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** How do you want to plead to that charge,
14 guilty or not guilty?

15 **THE DEFENDANT:** Guilty.

16 **THE COURT:** Mr. Jones, before I can accept your guilty
17 plea, I must ask you a number of questions and consider the
18 answers that you give me in response to those questions, so
19 please listen carefully and respond as best you are able.

20 If at any time you need to stop and speak to your
21 lawyers, just tell me. And we will stop, and I'll allow you to
22 talk with them in private. Okay?

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** Do you understand that you're now under
25 oath and that if you answer any of my questions falsely, your

1 answers may be later used against you in another prosecution
2 for perjury or making a false statement?

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** How far did you go in school?

5 **THE DEFENDANT:** 11th.

6 **THE COURT:** Have any trouble understanding me today?

7 **THE DEFENDANT:** No.

8 **THE COURT:** Been treated recently for any mental
9 illness or drug addiction or alcohol addiction?

10 **THE DEFENDANT:** No. No.

11 **THE COURT:** Are you currently under the influence of
12 any drug or medicine or alcohol?

13 **THE DEFENDANT:** No.

14 **THE COURT:** Mr. Lawlor, is there any question in your
15 mind as to whether or not your client is competent to proceed
16 today?

17 **MR. LAWLOR:** No, Your Honor.

18 **THE COURT:** Mr. Jones, have you fully discussed the
19 charges in the indictment and the case in general with your
20 lawyers, Mr. Lawlor and Mr. Madiou?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** Are you fully satisfied with the legal
23 representation that you've received from them?

24 **THE DEFENDANT:** Yes.

25 **THE COURT:** Do you believe that these lawyers have

1 given you good advice?

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** Do you believe that these lawyers have
4 been zealous and effective legal advocates on your behalf?

5 **THE DEFENDANT:** Repeat that.

6 **THE COURT:** Do you feel like these lawyers have been
7 zealous -- that means, you know, working hard --

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** -- and effective legal advocates on your
10 behalf?

11 **THE DEFENDANT:** Yes.

12 **THE COURT:** Do you believe they've been fightin' for
13 you?

14 **THE DEFENDANT:** Yes.

15 **THE COURT:** For a long time in this case, you were
16 represented by an Assistant Federal Public Defender named
17 Katherine Newberger; right?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** And Ms. Newberger was representing you up
20 until just a few weeks ago; right?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** Then it became necessary for her to
23 withdraw from representing you in this case. I don't want to
24 know about whatever particular stuff she told you about that.
25 But you know that that's true, right, and she explained to you

1 that she had to withdraw?

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** Okay. And then after that the
4 Court appointed Mr. Lawlor, Mr. Madiou to represent you and to
5 pick up the representation after her; right?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** But they haven't been representing you for
8 very long. Just a few weeks; right?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** I just want to make sure that you're fine
11 with this arrangement and that you feel like, first from
12 Ms. Newberger, but most importantly now from Mr. Lawlor and
13 Mr. Madiou, that you have received good legal representation
14 and all the legal representation that you need in this matter.

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** A minute ago I asked you whether you'd
17 fully discussed the charge in the indictment and the case in
18 general with your lawyer. I just want to elaborate on that by
19 saying: Have you had enough time --

20 **THE DEFENDANT:** Yes.

21 **THE COURT:** -- with these lawyers to talk this thing
22 through so that you are confident of their advice and are ready
23 to go forward today, even though --

24 **THE DEFENDANT:** Yes.

25 **THE COURT:** -- they began representing you only very

1 recently?

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** Do you need any more time to talk to these
4 lawyers before we go ahead?

5 **THE DEFENDANT:** No.

6 **THE COURT:** Mr. Lawlor, you've heard my interaction
7 with your client. Do you have any concerns at all with respect
8 to the amount of time that you, Mr. Madiou have had to prepare,
9 to counsel your client, to reflect with him on his best options
10 here?

11 **MR. LAWLOR:** No, I don't, particularly given the
12 amount of time that I know Ms. Newberger I know also spent with
13 him discussing some of the same things that Mr. Madiou and I
14 discussed with him.

15 **THE COURT:** So as far as you're concerned, he is fully
16 informed and ready to go forward today?

17 **MR. LAWLOR:** Yes, he is.

18 **THE COURT:** Thank you.

19 Ms. McLane, Mr. Lawlor, I understand that there is a
20 plea agreement in the case; is that right?

21 **MR. LAWLOR:** Yes.

22 **MS. McLANE:** That's correct, Your Honor.

23 **THE COURT:** It will be marked as the
24 Government's Exhibit No. 1.

25 Everyone, please turn over to Page 7.

1 Ms. McLane, you signed the plea agreement there and
2 bound the Government to its terms; is that it?

3 **MS. McLANE:** That's correct, Your Honor.

4 **THE COURT:** Mr. Jones, would you please read to me the
5 paragraph that comes right before your signature on that same
6 page.

7 **THE DEFENDANT:** [Reading]: I have read this
8 agreement, including the sealed supplement, and carefully
9 reviewed every part of it with my attorney. I understand it
10 and I voluntarily agree to it. Specifically, I have reviewed
11 the facial [sic] and advisory guidelines, stipulations with my
12 attorney, and I do not wish to change any part of it. I am
13 completely satisfied with the representation of my attorney.

14 **THE COURT:** Is that your statement, Mr. Jones?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** Is it true?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** Did you sign right afterwards to indicate
19 you adopt it?

20 **THE DEFENDANT:** Yes.

21 **THE COURT:** Mr. Lawlor, did you sign this plea
22 agreement as well after the standard statement for defense
23 counsel in this context?

24 **MR. LAWLOR:** Yes, Your Honor.

25 **THE COURT:** Mr. Jones, did you have a full and

1 complete opportunity to read and discuss the plea agreement
2 with your lawyer, Mr. Lawlor --

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** -- before you signed it?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** Have you fully reviewed each and every
7 term of the plea agreement with Mr. Lawlor?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** Do you understand your plea agreement?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Under the terms of the plea agreement, I
12 understand that you've agreed to plead guilty to Count 1. I
13 further understand that the Government has agreed that it will
14 not otherwise prosecute the defendant in relation to the
15 matters that are referred to in the indictment.

16 I also understand that the Government has agreed that
17 it will recommend that the Court impose a sentence in this case
18 of no more than 60 months of incarceration.

19 **MR. LAWLOR:** No, Your Honor.

20 **THE COURT:** That's the agreement I read.

21 **MS. McLANE:** Yes. Actually, Your Honor, there's been
22 a slight modification. We actually both agreed to a number.

23 **THE COURT:** Oh, all right. So are there other
24 alterations and differences between the document that is now
25 before the Court as Court Exhibit No. 1 and the version that

1 the Government supplied the Court with in advance of the plea,
2 which is what I will tell you in candor I used to prepare for
3 this proceeding?

4 **MS. McLANE:** Yes. Yes, Your Honor, there are. There
5 are on Page 4, the written terms of the factual and advisory
6 guidelines.

7 **THE COURT:** All right. Let me read this. Yes, this
8 is different.

9 Okay. So let's review the terms of this plea
10 agreement one more time.

11 Striking what I said a minute ago, under the terms of
12 the plea agreement, I understand, Mr. Jones, that you've agreed
13 to plead guilty to Count 1. I further understand that the
14 Government has agreed that they will not otherwise prosecute
15 Mr. Jones in relation to the activities that are referred to in
16 the indictment.

17 I also understand that the Government and the
18 defendant have jointly agreed that they will come together and
19 recommend a sentence to the Court, a nonbinding recommendation,
20 but nonetheless a joint recommendation, and that recommendation
21 is that the Court impose sentence of 30 months' incarceration.

22 The sealed supplement to the plea agreement is also a
23 part of the agreement. We will discuss the sealed supplement
24 separately under seal.

25 Have I correctly stated the plea agreement,

1 Ms. McLane?

2 **MS. McLANE:** Yes, Your Honor.

3 **THE COURT:** Mr. Lawlor?

4 **MR. LAWLOR:** Yes, Your Honor.

5 **THE COURT:** Mr. Jones, most importantly, have I
6 correctly said what your plea agreement is?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** Do you agree that the Government's
9 Exhibit No. 1, together with the sealed supplement, sets out
10 the entire agreement that you've made with the Government and
11 that there are no other agreements or promises that have been
12 made?

13 **THE DEFENDANT:** Yeah.

14 **THE COURT:** Has anybody made any promises or --

15 **THE DEFENDANT:** No.

16 **THE COURT:** -- assurances to you that are not in the
17 plea agreement or the sealed supplement to try to get you to
18 plead guilty and take this deal?

19 **THE DEFENDANT:** No, sir.

20 **THE COURT:** Has anybody made any threats or used any
21 force or violence against you or someone close to you in order
22 to --

23 **THE DEFENDANT:** No, sir --

24 **THE COURT:** -- persuade you to accept this agreement?

25 **THE DEFENDANT:** No, sir.

1 **THE COURT:** Do you understand that the Court's not a
2 party to the agreement; that the deal you've got is with the
3 Government, not with me?

4 **THE DEFENDANT:** Yeah.

5 **THE COURT:** Do you understand that to the extent the
6 terms of the plea agreement allow the parties to make
7 sentencing recommendations to the Court -- and there is a
8 sentencing recommendation in this case. Do you understand that
9 while I will carefully consider that recommendation, I can
10 reject that recommendation without permitting you to withdraw
11 your plea of guilty?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** Do you understand that I may impose a
14 sentence that's more severe than that which you may be
15 expecting?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** Are you pleading guilty of your own free
18 will because you are guilty?

19 **THE DEFENDANT:** Yes.

20 **THE COURT:** The offense to which you're proposing to
21 plead guilty is a felony offense. If I accept your guilty
22 plea, you will be adjudged guilty of that offense. That
23 adjudication may deprive you of valuable civil rights, such as
24 the right to vote, the right to hold public office, the right
25 to serve on a jury, the right to obtain or keep certain

1 benefits like student loans or public housing, the right to
2 obtain certain permits and licenses, and the right to possess
3 any kind of firearm.

4 Do you understand that you may lose all of those
5 rights if you plead guilty?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** Immigration status advisement necessary,
8 Ms. McLane?

9 **MS. McLANE:** No, Your Honor.

10 **THE COURT:** Mr. Lawlor, do you --

11 **MR. LAWLOR:** No, Your Honor.

12 **THE COURT:** -- believe your client is a U.S. citizen?

13 **MR. LAWLOR:** Correct.

14 **THE COURT:** We're not ACCA.

15 Maximum possible penalty for this offense is ten years
16 in prison. Is that your understanding, Ms. McLane?

17 **MS. McLANE:** Yes, it is, Your Honor.

18 **THE COURT:** Mr. Lawlor?

19 **MR. LAWLOR:** Yes, Your Honor.

20 **THE COURT:** Mr. Jones, do you understand the maximum
21 penalty for this case is ten years in prison?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** Do you understand that if you're ordered
24 incarcerated, then as a part of your sentence, you will be
25 ordered to serve a term of supervised release with a maximum

1 term of three years after you're released from incarceration?

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** Do you understand that while you're on
4 supervised release, you'll be subject to supervision and that
5 you'll be required to comply with certain conditions?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** Do you understand that if you violate the
8 terms and conditions of supervised release, that you could be
9 returned to prison for a term that may be as great as the term
10 of supervised release, and that upon return to prison, you may
11 not be given credit for your street time?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** Do you understand that you may be required
14 to pay a fine of the maximum amount of \$250,000 as an
15 additional consequence if your guilty plea is accepted?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** Do you understand that the Court may also
18 order you to pay restitution to any victim of your offense?

19 **THE DEFENDANT:** Yes.

20 **THE COURT:** Forfeiture, Ms. McLane?

21 **MS. McLANE:** Yes, Your Honor; the gun in question.

22 **THE COURT:** Do you understand that the Court may
23 require you to forfeit certain property to the United States
24 Government if your guilty plea is accepted, specifically the
25 firearm -- is it named in the indictment?

1 **MS. McLANE:** Yes, Your Honor.

2 **THE COURT:** -- the firearm that's named in the
3 indictment in this case -- together with any ammunition,
4 Ms. McLane?

5 **MS. McLANE:** Yes, there is, Your Honor.

6 **THE COURT:** -- and together with any ammunition? Do
7 you understand about all that, Mr. Jones?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** And do you agree to that?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Do you understand that if you're currently
12 on probation, parole, or supervised release or if you were at
13 the time of the offense to which you're pleading guilty, you
14 may be subject to the imposition of additional incarceration
15 for violation of that probation, parole, or supervised release
16 in the Court that imposed that sanction in the first place as a
17 result of your conviction in this case in this court?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** Are you backing up any time -- Mr. Lawlor,
20 is he backing up time?

21 **MR. LAWLOR:** Yes, Your Honor.

22 **THE COURT:** How much and where?

23 **MR. LAWLOR:** Circuit Court for Baltimore City, one
24 year. It was a one-year suspended sentence.

25 **THE COURT:** Ms. McLane, do you agree?

1 **MS. McLANE:** Yes, Your Honor.

2 **THE COURT:** Do you know about that, Mr. Jones?

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** So you understand that court, that judge,
5 they -- I'm not in charge of them.

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** And they're going to do what they're going
8 to do. That's not what's going on here today. But if you
9 plead guilty in this case and get convicted in this case, that
10 might trigger more time over there.

11 **THE DEFENDANT:** Yes.

12 **THE COURT:** Do you understand that you must pay a
13 special assessment of \$100 if your guilty plea is accepted?

14 **THE DEFENDANT:** Yes.

15 **THE COURT:** Do you understand that the Court may order
16 you to provide notice of your conviction to certain third
17 parties, including victims, if your guilty plea is accepted?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** Do you understand all these possible
20 consequences of your guilty plea?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** Your sentence will be determined by the
23 Court after consulting the United States Sentencing Guidelines,
24 which are advisory, after considering possible departures from
25 those guidelines as permitted in federal sentencing laws and

1 after considering other sentencing factors that are set out in
2 Title 18 of United States Code, Section 3553(a).

3 Have you and your lawyer talked about how the
4 sentencing guidelines might apply in your case?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** Your lawyer, the Government's lawyer, and
7 you in this plea agreement document all tell me that the base
8 offense level for your offense is 14; that some enhancements
9 apply that would raise that to 18; that everybody agrees that
10 three levels should come off to reflect acceptance of
11 responsibility -- that brings us down to 15; and that that's
12 where your offense level ends up, Offense Level 15.

13 They also tell me that everybody is of the view that
14 your criminal history category is Roman numeral III.

15 Was there a pre-plea?

16 **MR. LAWLR:** There was not, Your Honor.

17 **THE COURT:** How did we get there? That's just not
18 that hard of a computation.

19 Ms. McLane?

20 **MS. McLANE:** Well, Your Honor, he has one previous
21 conviction. He's on probation. And then he has one prior
22 juvenile conviction as well.

23 **THE COURT:** So what is that, six.

24 **MS. McLANE:** No. That would be one to four.

25 **THE COURT:** You said a previous conviction.

1 **MS. McLANE:** No. I'm sorry. Two. I'm sorry. It
2 would be a five.

3 **MR. LAWLOR:** Five points, Criminal History
4 Category III.

5 **THE COURT:** Yes; but how do we get there? Is the
6 prior a three-pointer or a two-pointer?

7 **MR. LAWLOR:** One for burglary as an adult conviction,
8 two for being on supervision, and either one or two for
9 qualifying juvenile adjudication.

10 **THE COURT:** A four or a five is what you're saying?

11 **MS. McLANE:** Correct.

12 **MR. LAWLOR:** Four or five.

13 **THE COURT:** Mr. Jones, do you understand that the
14 Court will not be able to finally determine the guidelines
15 range for your case until after the presentence report has been
16 completed --

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** -- and after you and the Government have
19 had an opportunity to challenge the computation, the reported
20 facts, and the proposed application of the guidelines by the
21 Probation Department?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** Do you understand that any criminal
24 history you may have will affect the computation of the
25 sentencing guidelines in your case?

1 **THE DEFENDANT:** Yes.

2 **THE COURT:** Do you understand that in addition to
3 considering the sentencing guidelines and any departures from
4 the guidelines, that under 18 United States Code,
5 Section 3553(a), the Court will apply additional factors set
6 out there and then may impose a sentence that is either greater
7 or lesser than that specified by the sentencing guidelines and
8 any departures thereunder?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** Do you understand that the sentence
11 ultimately imposed may be different from any estimate that your
12 lawyer may have provided to you?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** Do you understand that parole has been
15 abolished in the federal system and that if you are sentenced
16 to a term of incarceration, you will not be released on parole?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** Do you understand that ordinarily when a
19 person is convicted of an offense in Federal Court, they have
20 the right to appeal that conviction?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** Do you understand that the person also
23 ordinarily has the right to appeal the sentence that's imposed
24 on them?

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** I'm told by the parties -- well, I'd
2 better check this as well. Did you alter this from the earlier
3 version?

4 **MS. McLANE:** No, Your Honor.

5 **THE COURT:** Okay. So I'm told by you and the parties,
6 you and the lawyers, that as part of the plea agreement in this
7 case, you agree to waive or give up your right to appeal your
8 conviction; is that right?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** You also waive or give up your right to
11 appeal your sentence unless I impose a sentence of more than
12 five years; is that right?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** Do you understand that you're not required
15 to plead guilty in this case?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** Do you understand that you have the right
18 to plead not guilty to any offense charged against you and to
19 persist in that not guilty plea?

20 **THE DEFENDANT:** Yes.

21 **THE COURT:** Do you understand that if you pled not
22 guilty, you would then have the right to a trial by a jury?

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** Do you understand that your lawyer and the
25 Government's lawyer would assist me in selecting 12 members of

1 the community, would be brought into this courtroom, seated in
2 this jury box over here to your left, and who would serve as
3 your jury?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** Do you understand that at trial, you would
6 be presumed to be innocent and that the Government would be
7 required to prove your guilt beyond a reasonable doubt to the
8 unanimous satisfaction of the jury and that if the Government
9 couldn't do that, you couldn't be convicted in this case?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Ms. Smith.

12 Next question: Do you understand that at trial and in
13 every other critical stage in the proceedings in your case,
14 you're entitled to the assistance of a competent attorney to
15 assist you, to advise you, to represent you, and to advocate
16 for you?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** Do you understand that if you could not
19 afford an attorney, one will be appointed to represent you at
20 no cost to you?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** In fact, that already happened in this
23 case. And Mr. Lawlor and Mr. Madiou have been appointed to
24 represent you, and you haven't had to pay them anything; right?

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** And Ms. Newberger was appointed before
2 that, and you didn't have to pay her anything either, did you?

3 **THE DEFENDANT:** No.

4 **THE COURT:** Do you understand that during your trial,
5 you would have the right to see and hear all of the witnesses
6 and that you and your lawyer would be permitted to question or
7 cross-examine all of the witnesses testifying against you?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** Do you understand that you would have the
10 right to present the testimony of your own witnesses; and if
11 those witnesses would not come to court voluntarily, you would
12 be permitted to subpoena them and force them to come to court?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** Do you understand that you would have the
15 right to testify yourself during your trial?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** Do you understand that you would also have
18 the right to decline to testify and that if you did so decline,
19 the fact that you did not testify during your trial could not
20 be held against you in any way?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** In fact, do you understand that if you
23 elected to present no defense at all at trial, that could not
24 be held against you?

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** Do you understand that if you were
2 convicted after a trial, you could appeal that conviction to a
3 higher court?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** Do you understand that after you enter a
6 plea of guilty, if that plea is accepted by the Court, there
7 will be no trial and you will have waived or given up your
8 right to trial, as well as the other rights associated with the
9 trial as I've just described them?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** You've indicated that you intend to plead
12 guilty to Count 1 of the indictment, and I want to review with
13 you now what we call the essential elements of that charge.
14 These are the things that the Government would have to prove in
15 order for you to be convicted in the case.

16 First, the Government would have to prove that this
17 misconduct occurred on or about January 18th, 2016.

18 Second, they'd have to prove that the misconduct
19 occurred at least in part in the District of Maryland.

20 Third, they'd have to prove that you were convicted of
21 a crime punishable by imprisonment for a term exceeding one
22 year.

23 Fourth, they'd have to prove that you knowingly
24 possessed a firearm.

25 And, fifth, they'd have to prove that the firearm had

1 traveled in or affected interstate commerce.

2 Do you understand that these are the essential
3 elements of the offense and that if the Government could not
4 prove each and every one of these elements beyond a reasonable
5 doubt to the unanimous satisfaction of the jury, you could not
6 be convicted on that count?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** Before I can accept your guilty plea, I
9 must be satisfied that there's a factual basis for it.

10 Please turn your attention to the document labeled
11 Attachment A or Page 8 of the plea agreement. It's actually at
12 the back of the plea agreement.

13 Have you got that document in front of you?

14 Do you see that?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** Okay. Well, first question actually goes
17 to Ms. McLane.

18 Ms. McLane, you signed this document and thereby gave
19 the Court your good-faith representation that, if called upon
20 to do so, you could prove these facts at trial?

21 **MS. McLANE:** That's correct, Your Honor.

22 **THE COURT:** All right. Mr. Jones, so read to me the
23 paragraph that comes right before your signature on this
24 document.

25 **THE DEFENDANT:** [Reading]: I have read this statement

1 of facts and carefully reviewed every part of it with my
2 attorney. I understand and I voluntarily agree to it. I do
3 not wish to change any part of it.

4 **THE COURT:** Is that your statement?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** Is it true?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** You signed afterwards to indicate you
9 adopt that?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Mr. Lawlor, you signed the statement of
12 facts as well, representing that you've reviewed it with your
13 client --

14 **MR. LAWLOR:** Yes, Your Honor.

15 **THE COURT:** -- and that you believe his decision to
16 sign it is a voluntary one?

17 **MR. LAWLOR:** Correct.

18 **THE COURT:** Ms. McLane, you may proffer your factual
19 basis for the plea of guilty.

20 **MS. McLANE:** Thank you, Your Honor.

21 Had the United States gone to trial, we would have
22 proven that on January 18th, 2016, approximately 1 o'clock,
23 Baltimore City officers were driving in the 3000 block of
24 Presstman Street. At that time they saw Mr. Jones notice their
25 car and began to run into a corner convenience store. One of

1 the officers jumped out of the car and followed the defendant
2 into the store.

3 There was video camera in the store which would show
4 that as the defendant entered the store, he placed an item on a
5 Lazy Susan. The clerk is seen shimmying that Lazy Susan.

6 The defendant then looks around for an alternate exit.
7 Finding none, he proceeds back to the door he came into, at
8 which time the officer took him into custody.

9 The officer went to the clerk. And on the Lazy Susan,
10 he found a gun and also a bag of drugs.

11 He was arrested -- Mr. Jones was arrested. And after
12 giving his Miranda rights, he stated, "The gun is not mine.
13 I'm just holding it for someone."

14 The Government would also show that prior to
15 January 18th, 2016, the defendant had been convicted of a crime
16 punishable by more than one year of imprisonment and his civil
17 rights had not been restored.

18 The firearm that was recovered by the officer in the
19 Lazy Susan would be identified as a Gerstenberger & Eberwein
20 .22 short-gauge revolver with Serial No. 31409. There would be
21 testimony from experts that would state that the firearm was
22 deemed operable and, therefore, satisfied the definition of a
23 firearm pursuant to 18 U.S.C., 921(3)(a), as it would expel a
24 projectile by the action of an explosive.

25 There would be further testimony from a nexus expert

1 stating that the firearm was manufactured in Germany; and,
2 therefore, the firearm did travel interstate and affect the
3 interstate commerce of Maryland -- of this state before it was
4 recovered in this state. All these events did occur in the
5 District of Maryland.

6 **THE COURT:** So, Mr. Jones, if there was a trial in
7 this case, could the Government prove those facts?

8 **THE DEFENDANT:** What was that?

9 **THE COURT:** So if there was a trial in the case, okay,
10 and the Government brought their evidence in, their testimony,
11 their exhibits and so forth, do you believe that --

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** -- the Government could prove their case
14 against you along the lines that Ms. McLane just outlined?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** This statement, Attachment A to the plea
17 agreement, is it true?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** Okay. In conducting proceedings under
20 Rule 11 of the Federal Rules of Criminal Procedure in every
21 case, this Court proceeds to an in camera segment, the
22 transcript of which is sealed, in order to determine the
23 content of the sealed supplement to the plea agreement.

24 This portion of the proceedings is sealed, and the
25 record shall remain sealed until I order otherwise.

1 We will clear the courtroom at this point. Anyone who
2 is not a direct participant in the proceeding must step out of
3 the courtroom. While the courtroom is being cleared, I'll make
4 a record on the identities of the persons who remain.

5 (It is the policy of this court that every guilty plea and
6 sentencing proceeding include a bench conference concerning
7 whether the defendant is or is not cooperating.)

8 **THE COURT:** We're back on an open record.

9 Mr. Jones, do you understand that if I accept your
10 guilty plea -- well, let me ask this question: Given the
11 position of the parties with respect to the jointly recommended
12 sentence, does the Government wish to proceed to sentencing
13 today without a presentence report?

14 **THE DEFENDANT:** Yes.

15 **MS. McLANE:** That would be fine with the Government,
16 Your Honor.

17 **THE COURT:** Mr. Lawlor?

18 **MR. LAWLOR:** That will be fine with us as well, Your
19 Honor.

20 **THE COURT:** All right. That's how we will proceed.

21 So before we get to that point, Mr. Jones, I have to
22 finish up this part of it first.

23 I went through with you a long series of questions;
24 right?

25 **THE DEFENDANT:** Yeah.

1 **THE COURT:** I asked you questions; you gave me
2 answers.

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** We've been doing that for about half an
5 hour now; right?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** It's kind of long; right?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** The reason I've been doing that, though,
10 is to make sure that I believe that you understand your
11 rights --

12 **THE DEFENDANT:** Yeah.

13 **THE COURT:** -- that you know what you're charged with,
14 that you know what the maximum penalties are, that you know
15 that you can plead not guilty and have a trial, how that trial
16 would be conducted, what the rules would be.

17 I've talked to you about the sentencing law. I've
18 talked to you about your appellate rights. I've talked to you
19 about your relationship with your own lawyers.

20 **THE DEFENDANT:** Yes.

21 **THE COURT:** I've made sure that you're thinking
22 straight here today.

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** We've covered a lot of ground; right?

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** But now you have satisfied me that you do
2 know what you're doing and that you do understand your rights.

3 **THE DEFENDANT:** Yeah.

4 **THE COURT:** So I'm ready to circle back to where I
5 started and ask you again in a second how you plead. This
6 time, though, when I ask you and you answer me, your answer is
7 for keeps. It's irrevocable.

8 **THE DEFENDANT:** Right. I plead guilty.

9 **THE COURT:** Yes, I guess you do. Hold on for just a
10 second. Do you understand what I mean when I say, "This is
11 it"?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** All right. How do you plead, then, to
14 Count 1, guilty or not guilty?

15 **THE DEFENDANT:** Guilty.

16 **THE COURT:** It's the finding of the Court in this case
17 of the United States versus Ronald Jones that the defendant is
18 fully competent and capable of entering an informed plea; that
19 the defendant is aware of the nature of the charges and the
20 consequences of the guilty plea; and that the guilty plea is a
21 knowing and voluntary plea supported by an independent basis in
22 fact containing each of the essential elements of the offense.

23 The plea is, therefore, accepted and the defendant is
24 now adjudged guilty of that offense.

25 Ms. McLane, are there any victims of this offense

1 present today? And if so, do they wish to be heard?

2 **MS. McLANE:** There are none, Your Honor.

3 **THE COURT:** We'll move to sentencing.

4 Just to affirm your position one more time,

5 Ms. McLane, is the Government ready to proceed to sentencing?

6 **MS. McLANE:** Yes, Your Honor.

7 **THE COURT:** Mr. Lawlor, is the defendant ready to
8 proceed to sentencing?

9 **MR. LAWLOR:** Yes, Your Honor.

10 **THE COURT:** There is no presentence report in this
11 case because the defendant expressly on the record, with advice
12 of counsel, waived preparation of a presentence report; is that
13 true, Mr. Lawlor?

14 **MR. LAWLOR:** It is.

15 **THE COURT:** Mr. Jones, have you had an adequate
16 opportunity to discuss with your lawyer the option of having a
17 presentence report prepared and reviewed by the Court before
18 you're sentenced in this case?

19 **THE DEFENDANT:** Yes.

20 **THE COURT:** And do you want to have a presentence
21 report? Or do you want to waive it, give it up?

22 **THE DEFENDANT:** No.

23 **THE COURT:** You want to waive it?

24 **THE DEFENDANT:** Yes.

25 **THE COURT:** All right. And, Mr. Lawlor, are you --

1 you've had an adequate opportunity to discuss this matter with
2 your client?

3 **MR. LAWLOR:** Yes, I have.

4 **THE COURT:** First, we will compute the Federal
5 Sentencing Guidelines in the case. The Court adopts the
6 computation of the sentencing guidelines that is set out in the
7 plea agreement.

8 Let's see. We had a base offense level of 14.

9 How did we get to the 18, Ms. McLane?

10 **MS. McLANE:** Your Honor, there were drugs also. So
11 that would be under that provision that it was being used in
12 the furtherance of another felony, which I believe that that's
13 an accurate statement of what the four is, but that's what the
14 bump is for.

15 **THE COURT:** Okay. And so your view is that that
16 warranted a four-level increase under the appropriate specific
17 offense characteristic?

18 **MS. McLANE:** That is correct, Your Honor.

19 **THE COURT:** Agreed, Mr. Lawlor?

20 **MR. LAWLOR:** Yes.

21 **THE COURT:** That brings us to 18. Three levels come
22 off to reflect acceptance of responsibility. That brings us to
23 15.

24 Is there a stipulation between the two sides that the
25 criminal history computation yields a score of either four or

1 five points, placing the defendant in Criminal History
2 Category III?

3 Ms. McLane, is that your stipulation?

4 **MS. McLANE:** Yes, Your Honor.

5 **THE COURT:** Mr. Lawlor, is that yours?

6 **MR. LAWLOR:** Yes.

7 **THE COURT:** I find, then, that the defendant is
8 ultimately at Offense Level 15, Criminal History Category III,
9 with a guidelines range, then, of 24 to 30 months of
10 incarceration.

11 Are there any requests for a departure, Ms. McLane?

12 **MS. McLANE:** No, Your Honor.

13 **THE COURT:** Mr. Lawlor?

14 **MR. LAWLOR:** No, Your Honor.

15 **THE COURT:** I find that no departures are appropriate.

16 That, then, is the final computation of the sentencing
17 guidelines in the case.

18 (It is the policy of this court that every guilty plea and
19 sentencing proceeding include a bench conference concerning
20 whether the defendant is or is not cooperating.)

21 **THE COURT:** Again, are there any victims that wish to
22 address the Court?

23 Ms. McLane?

24 **MS. McLANE:** No, Your Honor.

25 **THE COURT:** Ms. McLane, do you wish to be heard on

1 which sentence should be imposed upon the defendant?

2 **MS. McLANE:** Your Honor, just very briefly.

3 Your Honor, the Government could have charged
4 Mr. Jones with a 924(c), subjecting him to a five-year
5 mandatory minimum. Given his age, the Government did not feel
6 that that was appropriate.

7 And then in further discussions with Mr. Lawlor,
8 that's how we came to the upper level of the guidelines rather
9 than the lower end. It is the Government's hope, though, in
10 acknowledging that this young man does not deserve five years,
11 that the Court would follow the recommendation in order to give
12 Mr. Jones a second chance.

13 **THE COURT:** Thank you.

14 Mr. Lawlor, I'll hear from you next. Your client will
15 have the last word.

16 **MR. LAWLOR:** Court's indulgence, please.

17 **THE COURT:** Yes.

18 (The defendant conferred with counsel.)

19 **MR. LAWLOR:** Thank you, Your Honor.

20 **THE COURT:** Mr. Lawlor?

21 **MR. LAWLOR:** Your Honor, just to sort of follow up on
22 the Government's side, my concern for Mr. Jones is that while
23 his record is not the worst the Court has seen at his age, I
24 think he's on a very dangerous trajectory.

25 I do think, Your Honor, that his acceptance of

1 responsibility here and his incarceration and the sentence that
2 the parties are jointly recommending here would permit him to
3 have an opportunity to sort of consider, though, the future arc
4 of his life, because this is a very dangerous path for him.

5 Your Honor might --

6 **THE COURT:** Your client is how old?

7 **MR. LAWLOR:** He's 20, Your Honor. You might notice
8 that he has a disability in one of his eyes.

9 **THE COURT:** Yes.

10 **MR. LAWLOR:** And that is the result of being shot in
11 the head.

12 **THE COURT:** When did that happen?

13 **MR. LAWLOR:** When you were 14?

14 **THE DEFENDANT:** 16.

15 **MR. LAWLOR:** 16.

16 **THE COURT:** Did that just mess up your eye or anything
17 else?

18 **THE DEFENDANT:** My eye and PTSD [sic].

19 **MR. LAWLOR:** PTSD.

20 **THE COURT:** PTSD.

21 **MR. LAWLOR:** There's also, Your Honor, because he was
22 given painkillers, there was a -- an addiction or at least the
23 habitual use that resulted from that.

24 **THE COURT:** Yes.

25 **MR. LAWLOR:** So, you know, I mean, I know I'm sort of

1 preaching to the choir here about the danger of the combination
2 of drugs and guns and youth in the city. But, you know, I'll
3 be candid here. I fear for Mr. Jones a little bit.

4 So I do hope, Your Honor, that a period of
5 incarceration, a period of supervised release will provide him
6 with the opportunity to obtain further education and other
7 services that he might not otherwise get.

8 Sometimes my clients -- while I don't like seeing any
9 of my clients go to prison, sometimes I do think that their
10 entrance into the court system can provide them with services
11 that they might not otherwise qualify for.

12 **THE COURT:** So your client strikes the Court as a
13 candidate for RDAP. He wouldn't get any benefit from it
14 because of the gun crime in terms of time off of the sentence,
15 but he might get a whole lot of benefit from it in terms of
16 some of the issues you're talking about.

17 **MR. LAWLOR:** I agree, Your Honor.

18 **THE COURT:** Do you want me to recommend it?

19 **MR. LAWLOR:** Please.

20 **THE COURT:** Anything else, Mr. Lawlor?

21 **MR. LAWLOR:** One moment, Your Honor.

22 **THE COURT:** Yes.

23 (The defendant conferred with counsel.)

24 **MR. LAWLOR:** There is one other thing, Your Honor. We
25 did -- we were able to -- I should say, candidly, Ms. Newberger

1 was able to obtain the records from DJS. We had referenced the
2 adjudication there, and there was a commitment.

3 And I'll say Mr. Jones really excelled there. So one
4 of the things I'm asking the Court to do is recommend to the
5 Bureau of Prisons that he be placed at Fort Dix, because they
6 have an HVAC program that he's interested in there.

7 So he does have a desire to learn and better his life.
8 And as I've said, I hope that this confluence of circumstances
9 will permit that.

10 **THE COURT:** Ms. Smith, RDAP.

11 **THE CLERK:** Yes.

12 **THE COURT:** Fort Dix.

13 **THE CLERK:** Yes.

14 **THE COURT:** The HVAC -- what do they call it? --
15 vocational educational program at Fort Dix in particular.

16 **THE CLERK:** Yes.

17 **THE COURT:** Thank you, ma'am.

18 **THE CLERK:** You're welcome.

19 **THE COURT:** All right. Anything else from you,
20 Mr. Lawlor, before I turn to your client?

21 **MR. LAWLOR:** No, Your Honor.

22 **THE COURT:** Mr. Jones, you have the absolute right to
23 address the Court before sentence is imposed on you. You're
24 not required to speak. But if you want to speak, it's your
25 right to. And I am eager to hear from you.

1 **THE DEFENDANT:** No, sir. I don't want to speak.

2 **THE COURT:** All right. So I've got to tell that you
3 I've heard a lot of fact patterns about guns in the city. I
4 never heard this one before. You can like go into a shop and
5 give them the gun under the security glass, and they might hold
6 it for you?

7 **THE DEFENDANT:** No.

8 **THE COURT:** It was just something you came up with
9 right on the spot?

10 **MR. LAWLOR:** He was just stashing it, Your Honor.

11 **THE COURT:** Yes, I know.

12 So there's nothing more than that? It's not that
13 somebody --

14 **MR. LAWLOR:** They weren't -- I don't think they were
15 complicit.

16 **THE COURT:** Yes. You know exactly what I'm saying.

17 **MR. LAWLOR:** No, I don't think that's the case.

18 **THE COURT:** All right. Not that that would reflect
19 poorly on Mr. Jones or any more poorly; that's just an
20 interesting new circumstance that I hadn't heard about before
21 if that service is being provided in the city. Doesn't sound
22 like it was that intentional, though. No?

23 **THE DEFENDANT:** No.

24 **THE COURT:** It was just something you thought of at
25 the last second?

1 **THE DEFENDANT:** Yeah.

2 **THE COURT:** All right. Okay.

3 In sentencing the defendant, I'm required to apply the
4 factors that are set out. At 18 United States Code,
5 Section 3553(a), there are eight factors. I will apply each
6 one of them now.

7 The first is the history and characteristics of the
8 defendant. The defendant has a prior criminal history that
9 includes one juvenile adjudication and one adult conviction.

10 The defendant apparently has a minor disability
11 associated with a prior gunshot wound to the head.

12 The defendant apparently may suffer from posttraumatic
13 stress disorder.

14 Mr. Lawlor, do you want that brought to the attention
15 of the Bureau of Prisons?

16 **MR. LAWLOR:** Actually, Your Honor, to that end, the
17 probation officer said that she could do a supplemental report
18 even if we did go to sentencing today, and that might follow
19 him to the Bureau of Prisons.

20 **THE COURT:** They will absolutely do a supplemental
21 report for sure.

22 **MR. LAWLOR:** I would make that request because I would
23 like that information to go to the Bureau of Prisons.

24 **THE COURT:** All right. If you want, I will also
25 specifically note that in my recommendations section of the

1 judgment.

2 **MR. LAWLOR:** Please do.

3 **THE COURT:** Ms. Smith, then the last recommendation is
4 that the Court -- is that the defendant receive counseling and
5 treatment in relation to posttraumatic stress disorder
6 associated with his prior gunshot injury.

7 **THE CLERK:** Okay.

8 **THE COURT:** Thank you.

9 **THE CLERK:** You're welcome.

10 **THE COURT:** The second factor for the Court to take
11 into account is the nature and circumstances of the offense. I
12 find that this is a very routine felon in possession of a
13 firearm case coming off of a street in Baltimore City where the
14 defendant was detected to be carrying a gun.

15 Third factor to take into account is the seriousness
16 of the offense, the need to promote respect for the law, and
17 the need to provide just punishment.

18 So, you know, some cases it's harder, some cases it's
19 easier to explain why young people who have prior felony
20 records run in the street with a gun. It's a serious matter.

21 This, I would think, is sort of an easier one to
22 explain, Mr. Jones, in particular, because you yourself got
23 shot once and know how bad that is.

24 So the law forbids people who have been convicted of a
25 crime from having a gun, because the purpose and the objective

1 is to try to stop so many people from getting shot, because
2 getting shot is serious.

3 You would agree with that; right?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** So this offense is serious. Because you
6 previously were convicted of an offense, you were barred from
7 having the gun. We're talking about Baltimore where we have a
8 homicide rate that is through the roof and a non-homicide
9 shooting rate that is almost equally disturbing.

10 So by definition, it's a serious matter.

11 The fourth factor to take into account is the need for
12 deterrence, both specific and general. And a term of
13 incarceration must be imposed in this case to achieve both of
14 those objectives; that is, the deterrence of Mr. Jones himself
15 from engaging in this sort of misconduct in the future and to
16 send a message to the wider community that felons who pick up
17 guns and continue to possess them and carry them, if caught,
18 are going to federal prison for some significant period.

19 That's to protect the public.

20 Fifth factor to take into account is the explicit need
21 to protect the public. Obviously, I've already just addressed
22 that.

23 The sixth factor is the need to avoid unwarranted
24 sentencing disparities among defendants with similar records
25 and culpability. I've consulted the guidelines which are

1 prepared with this objective in mind. I've also reflected on
2 other sentences imposed on other defendants in similar
3 circumstances in crafting the sentence in this case.

4 The need to provide the defendant with training and
5 treatment -- training or treatment is the seventh factor. I
6 find that he needs treatment for sure.

7 What's his educational situation, Mr. Lawlor? 11th?
8 Did he ever get the GED?

9 **MR. LAWLOR:** He didn't get the GED yet. I think
10 Bureau of Prisons requires that, Your Honor.

11 **THE COURT:** Yes. So another recommendation,
12 Ms. Smith, and that is that the defendant progress to his GED
13 while incarcerated.

14 **THE CLERK:** Yes.

15 **THE COURT:** I find that he needs both training and
16 treatment. He could receive it while locked up; he could
17 receive it while he was out. So it doesn't really inform the
18 decision about whether to incarcerate him.

19 The last factor, the eighth factor is the advice of
20 the Federal Sentencing Guidelines, which I have expressly noted
21 is that the defendant be incarcerated for a term of between 24
22 and 30 months. And I have considered that in crafting the
23 sentence in this case.

24 The sentence that is sufficient but not greater than
25 necessary to comply with the purposes set out in 18 U.S.C.,

1 Section 3553(a)(2), on Count 1 is 30 months of incarceration,
2 to be followed by three years on supervised release.

3 There are special terms and conditions of supervised
4 release.

5 First, that the defendant receive mental health
6 treatment and counseling while under supervision.

7 Second, that the defendant receive drug counseling and
8 drug treatment while under supervision and, of course, that the
9 defendant not possess or use any illegal drug while under
10 supervision.

11 Third, that the defendant make progress toward and
12 achieve his GED while under supervision if he did not achieve
13 his GED while incarcerated.

14 I find the defendant has no ability to pay a fine. No
15 fine is ordered.

16 I find the defendant -- that no restitution is owing.
17 None is ordered.

18 The forfeiture request is granted. I take it that the
19 Government will submit a formal motion and order relating to
20 forfeiture --

21 **MS. McLANE:** Yes. Thank you, Your Honor.

22 **THE COURT:** -- in the next 24 hours, please.

23 And the Court will sign that without objection from
24 the defendant; right, Mr. Lawlor?

25 **MR. LAWLR:** Correct, Your Honor.

1 **THE COURT:** Special assessment in the amount of \$100
2 is mandatory. It will be ordered.

3 The Court has already noted the recommendations that
4 it is making to the Bureau of Prisons. All of those will be
5 included in the judgment.

6 This sentence falls within the guidelines range and is
7 appropriate in light of the sentencing guidelines and all of
8 the factors set out in Title 18 of United States Code,
9 Section 3553(a).

10 Counts to be dismissed, Ms. McLane? I don't think
11 there are any.

12 **MS. McLANE:** There aren't any, Your Honor. Thank you.

13 **THE COURT:** Mr. Jones, you can appeal your conviction
14 if you believe that your guilty plea was somehow unlawful or
15 involuntary or if there's some other fundamental defect in the
16 proceeding that was not waived by your guilty plea.

17 You may also appeal your sentence if you believe that
18 it is unlawful.

19 Before filing any appeal, you and your lawyer should
20 consider whether you waived any or all of your appellate rights
21 when you entered into your plea agreement.

22 If you wish to appeal, you must file a notice of your
23 intention to do so in this Court within 14 days of today.

24 Do you understand that deadline?

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** Then the defendant, I take it, was
2 previously ordered detained on the Government's motion; is that
3 correct, Ms. McLane?

4 **MS. McLANE:** That's correct, Your Honor.

5 **THE COURT:** I take it that the defendant does not
6 today request release and does not request voluntary surrender;
7 correct, Mr. Lawlor?

8 **MR. LAWLOR:** Correct, Your Honor.

9 **THE COURT:** Voluntary surrender is denied. The
10 defendant shall remain in custody under the terms of the
11 detention order previously entered until he is delivered to the
12 place -- the designated place of incarceration.

13 A judgment and commitment order will be prepared.

14 A statement of reasons will be prepared.

15 These records, together with other appropriate records
16 of the sentencing, will be filed with the
17 U.S. Sentencing Commission and the U.S. Bureau of Prisons.

18 Anything else that we can productively address today,
19 Ms. McLane?

20 **MS. McLANE:** No. Thank you, Your Honor.

21 **THE COURT:** Mr. Lawlor?

22 **MR. LAWLOR:** Your Honor, one other issue. I think the
23 Bureau of Prisons will take care of this, but this case did
24 originate in the Circuit Court for Baltimore City. And I think
25 there were only about two days of custody there.

1 I just don't know if I need to confirm that and
2 forward that information to Your Honor for inclusion on the
3 judgment or if we can trust that the Bureau of Prisons will
4 correctly calculate that.

5 **THE COURT:** The easiest way is just to make sure that
6 you tell the probation officer about it, but the probation
7 officer may ask for documentation --

8 **MR. LAWLOR:** That's no problem. I can take care of
9 that.

10 **THE COURT:** -- before he or she is willing to include
11 that in the report.

12 **MR. LAWLOR:** I'll do that, then.

13 **THE COURT:** All right. And then generally when that
14 is in the jacket that arrives at the BOP, they'll make the
15 computation.

16 **MR. LAWLOR:** Very good, Your Honor.

17 **THE COURT:** You have to make a point in there, though,
18 that it was not credited against any other sentence.

19 **MR. LAWLOR:** Yes.

20 **THE COURT:** Okay. Anything else, Mr. Lawlor?

21 **MR. LAWLOR:** No, Your Honor.

22 **THE COURT:** Defendant is remanded to the custody of
23 the marshal.

24 Counsel are excused.

25 Court is in recess. Thank you.

1 (Court adjourned at 4:57 p.m.)

2

3

4 I, Douglas J. Zweizig, RDR, CRR, do hereby certify that

5 the foregoing is a correct transcript from the stenographic

6 record of proceedings in the above-entitled matter.

7 _____ /s/ _____

8 Douglas J. Zweizig, RDR, CRR
9 Registered Diplomate Reporter
10 Certified Realtime Reporter
Federal Official Court Reporter

11 DATE: February 12, 2017

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<p>V</p> <p>valuable [1] 13/23 version [2] 10/25 21/3 versus [2] 2/5 31/17 very [7] 7/8 7/25 35/2 35/24 36/4 41/12 47/16 victim [1] 15/18 victims [3] 17/17 31/25 34/21 video [1] 27/3 view [2] 18/13 33/15 violate [1] 15/7 violation [1] 16/15 violence [1] 12/21 vocational [1] 38/15 voluntarily [3] 9/10 23/11 26/2 voluntary [4] 26/16 31/21 46/6 46/9</p>	<p>whole [1] 37/15 why [1] 41/19 wider [1] 42/16 will [39] 4/21 8/23 10/13 10/17 11/2 11/14 11/18 11/23 13/9 13/18 13/22 14/24 17/22 19/14 19/24 20/5 20/16 22/19 24/7 24/7 29/1 29/18 29/20 33/4 35/14 37/5 38/9 40/5 40/20 40/24 44/19 44/23 45/2 45/4 46/13 46/14 46/16 46/23 47/3 willing [1] 47/10 wish [7] 9/12 26/3 29/12 32/1 34/21 34/25 45/22 wishes [1] 2/21</p>	<p>Z</p> <p>zealous [2] 6/4 6/7 Zweizig [3] 1/23 48/4 48/8</p>